

E-File: June 24, 2010

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Attorneys for Reorganized Debtors and
Debtors in Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes, et al.,¹
Debtors.

Case No.: BK-S-09-14814-LBR
(Jointly Administered)

Chapter 11

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

Affects:

- ☐ All Debtors
☒ Affects the following Debtor(s)
RHODES RANCH GENERAL
PARTNERSHIP and RHODES DESIGN AND
DEVELOPMENT CORPORATION

NOTICE OF ENTRY OF ORDER

TO: ALL INTERESTED PARTIES:

YOU ARE HEREBY NOTICED that an **ORDER GRANTING MOTION FOR CLARIFICATION OF ORDER FILED BY THE BLASCO HOMEOWNERS [DOCKET NO. 1099]** was entered on June 23, 2010. A copy of the Order is attached hereto.

DATED this 24th day of June, 2010.

LARSON & STEPHENS

/s/ Zachariah Larson, Esq.
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Entered on Docket
June 23, 2010

Hon. Linda B. Riegler
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

Case No.: 09-14814-LBR
(Jointly Administered)

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.,¹

Chapter 11

Debtors.

Affects:

☐ All Debtors
☒ Affects the following Debtor(s)
RHODES RANCH GENERAL
PARTNERSHIP and RHODES DESIGN
AND DEVELOPMENT CORPORATION

Hearing Date: June 21, 2010
Hearing Time: 9:30 a.m.
Courtroom 1

**ORDER GRANTING MOTION FOR CLARIFICATION OF ORDER FILED BY THE
BLASCO HOMEOWNERS [DOCKET NO. 1099]**

Upon consideration of the *Motion for Clarification of Order or, In the Alternative,
Motion for Modification of Automatic Stay in Order to Proceed Against Debtor as Nominal*

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20 LLC (Case No. 09-14848); Tuscany Acquisitions IV LLC (Case No. 09-14849); Tuscany Acquisitions III LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf and Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, LLC (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

1 *Defendant and As Against Insurance Proceeds Only* [Docket Number 1099] (the "Motion") filed
2 by the Original Movants² and the To Be Joined Homeowners (collectively, the "Movants") and
3 good cause appearing, it is hereby ORDERED

4 1. The Motion is resolved as set forth herein.

5 2. The Movants are each authorized to litigate their claims (the "Claims") in the
6 Litigation in District Court pursuant to Article VII.E.2 of the Plan of Reorganization [Docket No.
7 1053] (the "Plan") notwithstanding the injunction under the Plan for the limited purpose of
8 pursuing payment of their Claims from applicable insurance policies.

9 3. There shall be a full reservation of rights for Rhodes Ranch General Partnership and
10 Rhodes Design And Development Corporation's insurer with respect to the relevant insurance
11 policies and to defend the Litigation on the merits.

12 4. Any and all portions of the Movants' Claims, whether prepetition or postpetition
13 claims or causes of action, that are not fully satisfied by the available insurance policies of
14 Rhodes Ranch General Partnership and Rhodes Design And Development Corporation are
15 forever waived and discharged as against Rhodes Ranch General Partnership and Rhodes Design
16 And Development Corporation, even if the Movants are unable to obtain any recovery from any
17 insurance policies.

18 5. Any recovery by the Movants received from the insurance proceeds shall be reduced
19 by the amount of the applicable insurance policy's deductible. As provided in Article VII.E.2 of
20 the Plan, the Reorganized Debtors shall have no obligation to pay any amounts in respect of
21 deductibles on account of the applicable insurance policy.

22 6. The Bankruptcy Court retains jurisdiction to resolve any dispute arising from the
23 interpretation or enforcement of this Order.

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² All defined terms not defined herein shall have the same meaning as in the Motion.

1 SUBMITTED BY:

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3 DATED this 17th day of June 2010.

DATED this 17th day of June 2010.

4 By: /s/ Eric Ransavage
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LR 9021 Certification

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☒ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below: Eric Ransavage, Counsel for Movants- approved the order.

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

Submitted by:

DATED this 21st day of June 2010.

By: /s/ Zachariah Larson

LARSON & STEPHENS

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